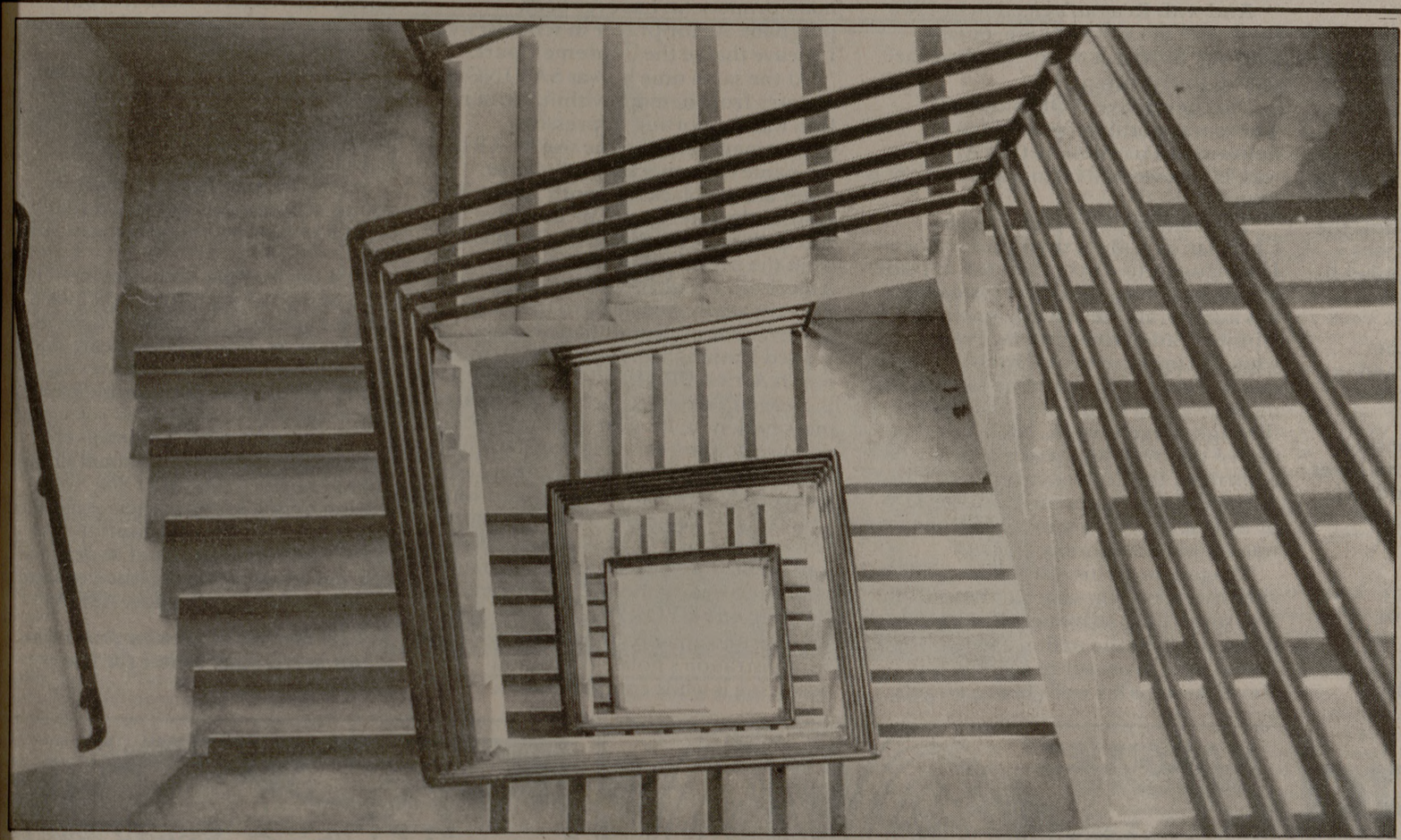


Texas A&M The Battalion

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Stairdown

No, the parallel lines don't represent an abstract artist's view of life, liberty or the pursuit of happiness, but they show an exterior stairwell

winding down in the new Engineering CE/TTI Building. The building is expected to be completed in October.

Photo by Robert W. Rizzo

Former A&M System chancellor wins suit disputing lawyer's fee

By Kirsten Dietz
Senior Staff Writer

A case involving lawsuits between a former and a current Texas A&M official was decided Saturday in favor of Dr. Arthur G. Hansen, former A&M System chancellor. No settlement has been announced.

Hansen and Jerry Cain, A&M associate general counsel, sued each other in October in a dispute concerning Cain's fee for representing

Hansen in a malpractice action against the University of Texas System after a nerve leading to his right leg was damaged in November, 1984, during a hernia operation at M.D. Anderson Hospital and Tumor Institute in Houston.

While no lawsuit was filed, the System agreed through the negotiations to settle for \$350,000. It issued a joint check to Hansen and Cain. Cain sent a bill to Hansen requesting

one-third of the settlement as his fee, which Hansen refused to pay. The check then was placed in escrow.

One of Hansen's attorneys, Steve Rodgers, of the Bryan law firm Caperton, Rodgers and Miller, said the jury found that services rendered by Cain might have cost \$3,000, but that damages to Hansen amounted to about \$8,000.

Rodgers said Judge Charles Sherrill of Kerrville, who presided over

the trial, will render a judgement on damages to be awarded after studying the jury's recommendations. The judgement should be decided this week, Rodgers said.

Hansen and his attorneys are asking to be awarded attorney's fees, the money still being held in escrow and either the \$8,000 for damages to Hansen or the \$5,000 difference between these damages and the \$3,000 the jury estimated Cain's services to be worth.

House votes first OK to bill cutting faculty retirement fund

AUSTIN (AP) — The Texas House Monday voted preliminary approval to a bill that would save \$24.4 million by temporarily cutting the state's portion of a retirement system for college educators.

The plan was advanced on a voice vote, but not without harsh criticism.

"We have spoken about making a commitment to education," rep. Al Price, D-Beaumont, said.

"What we are about to do is probably create the first crack in that commitment," he said.

"What we are about to do will do irreparable damage to that commitment," Price said.

The bill by Rep. Ed Kuempel, R-Seguin, which faces a final House vote that would send it to senators, would cut the state contribution for a retirement system that covers about 90 percent of state college faculty members.

Now, the state contributes to the fund an amount equal to 8.5 percent of a faculty member's annual salary.

Kuempel wants to lower that to 7.5 per-

cent for 1988-89 to save state money.

The state contribution would revert to 8.5 percent on Sept. 1, 1989.

The bill also would require faculty members to keep their jobs for three years before becoming eligible to get their money out of the system.

Faculty members currently have to wait only one year to remove their money.

Kuempel denied the decreased state contribution would guarantee lower payments to retirees.

Some supporters of the bill have noted

that the House Appropriations Committee proposed 1988-89 state budget calls for college faculty salary raises that could offset the reduced retirement benefits.

Rep. Anne Cooper, R-San Marcos, unsuccessfully offered two amendments to reduce the impact of the Kuempel bill.

"I don't want to send another message to higher education that we are backing away from them," she said.

House Higher Education Committee Chairman Wilhelmina Delco, D-Austin, said, "We are having a hard enough time

recruiting people for our universities."

She said the decreased benefits could make recruiting faculty members even more difficult.

Kuempel on Monday also won preliminary House approval for a bill that would temporarily lower the state contribution to the Employees Retirement System from the current 7.4 percent to 7 percent.

The contribution would revert to 7.4 percent in September 1989.

The temporary change would save the state \$17 million.

Insurance premium tax considered as possible solution to budget woes

AUSTIN (AP) — The tax picture came into clearer focus Monday as House leaders talked about taxing medical bills, insurance premiums and many other currently exempt items.

It also probably would include taxes that Gov. Bill Clements has vowed to veto.

The House plans a Tuesday vote on a proposed \$38.3 billion 1988-89 spending plan. But a tax vote was delayed because the House Ways and Means Committee took no action Monday on a tax plan.

Ways and Means Chairman Stan Schlueter said the committee would meet Tuesday and a tax plan could be ready for House debate Wednesday.

Lawmakers are tussling with a projected \$6.5 billion 1988-89 deficit. Clements met privately Monday with some House members to push for further budget cuts to avoid tax hikes.

Schlueter, D-Killeen, Monday laid out several tax-plan combinations. Most included expanding the sales tax to cover many now-exempt services and adding the insurance tax, but he cautioned that nothing is certain.

"Broadening the base is just one of the options," he said.

But he added, "The insurance

(tax) bill is in every scenario."

At a 5-percent rate, the insurance tax would raise \$1.8 billion for the state in 1988-89.

"It's progressive," Schlueter said.

"It taxes people based on their abil-

"It (the tax plan) taxes people based on their ability to pay in that the larger your house, the more money you pay."

— Ways and Means Chairman Stan Schlueter

ity to pay in that the larger your house, the more money you pay; the bigger your car, the more money you pay."

On the sales-tax base, he said it might be possible to expand it far enough to allow for a reduction from the current 5.25-percent rate. Speaker Gib Lewis talked last week of a limited expansion of the base combined with an increase to a 6-percent rate.

Lewis said Monday he now hopes to expand it far enough to allow for a rate cut. But he added he now backs "all taxes . . . that would get us out of here and meet the budget."

Ways and Means committee member Al Luna, D-Houston, who also filed an expand-the-base bill, said the current sales tax plan is obsolete because it does not cover services.

"It is based on an economic reality that no longer exists," Luna said.

Luna's version of expanding the base does not cover medical services. "That would come directly out of the pockets of poor Texans," he said.

Schlueter favors taxing medical services.

"The basic thought among members of the House is you need to broaden it to everybody or nobody," he said.

Luna said he does not oppose taxing legal fees.

"I've heard a lot of malarkey about what we are doing is taxing access to justice," he said, adding that Texans already pay filing fees to go to court. "An extra \$5 per \$100 is not going to rob a person of access to the justice system."

While House members churned toward a possible solution, Texas Democratic Party Chairman Bob Slagle Monday called on them to slow down.

Slagle wants the House, which is controlled by the Democrats, to show Texans why a tax hike is

needed by drawing a budget that would not require one.

"The consequences of such a budget are destructive," Slagle said at a news conference.

George Strake, chairman of the Texas Republican Party, Monday released results of a poll, sponsored by the GOP, that showed Texans oppose higher taxes.

"It is obvious that Texans have had enough of (Democratic Lt. Gov) Bill Hobby's and the Democrats' tax-

"I've heard a lot of malarkey about what we are doing is taxing access to justice. An extra \$5 per \$100 is not going to rob a person of access to the justice system."

— Ways and Means committee member Al Luna

and-tax, spend-and-spend solution to every problem," Strake said.

An anti-tax call also was issued by The Committee for Economic Recovery, a coalition of 85 organizations and individuals.

Reagan sees candidate list for justice job

WASHINGTON (AP) — President Reagan and key advisers reviewed a list of possible candidates for the Supreme Court on Monday as administration leaders tried to play down the importance of political ideology in selecting a successor to retiring Justice Lewis F. Powell.

One senior administration official said he "would just be shocked" if the nominee wasn't Robert H. Bork, a strongly conservative federal appeals court judge here.

The 30-minute meeting in the Oval Office ended without any announcement of a nominee. White House spokesman Marlin Fitzwater said a decision was not expected Monday but could come quickly.

"This is the kind of thing where opinion can coalesce behind a candidate, and the president says, 'This is the person I want and then — do it,'" Fitzwater said. "That can occur very fast."

In a surprise announcement Friday, Powell, 79, said he was leaving the court after 15½ years because of health problems and his age.

White House legal advisers, working over the weekend, prepared a summary for Reagan of legal opinions and positions taken by potential candidates for the high court.

Reagan discussed potential candidates with Attorney General Edwin Meese III, chief of staff Howard Baker and presidential counsel A.B. Culvahouse. Afterward, Meese left the White House without commenting to reporters.

People widely mentioned as likely candidates include Bork, Republican Sen. Orrin G. Hatch of Utah and two other appeals court judges, Robert A. Posner of Chicago and J. Clifford Wallace of San Diego.

"I would just be shocked if it wasn't Bork," one senior official said.

"The last time it was (Justice Antonin) Scalia and Bork that went into the president as being equally sound and confirmable," the official said. "Regardless of what Meese or Baker thinks, the president's natural inclination is going to be: 'Why not Bork?'" The official, who refused to be identified, acknowledged he was merely speculating about a nominee.

Democratic leaders, fearful of a conservative takeover of the court, have urged Reagan to name someone similar to Powell, who avoided the rigid ideology that at times split the court's liberal and conservative wings. Powell cast decisive votes on abortion rights and affirmative action and at the same time voted conservatively on law-and-order issues.

The eventual nominee is subject to approval by the Democratic-controlled Senate.

"We're replacing the pivotal member of the Supreme Court," said Sen. Patrick Leahy, D-Vt., a member of the Judiciary Committee that will review the nomination. "This is a far more important Supreme Court appointment than any that President Reagan has made before."

During his 6½ years in office, Reagan has appointed Justices Sandra Day O'Connor and Scalia to the high court and promoted William H. Rehnquist to chief justice.

Fitzwater said candidates would not be judged on their stand on abortion, which Reagan opposes. "There are no specific issues that will be litmus tests," he said.

Meese stressed the same point in a speech in Chautauqua, N.Y., earlier Monday.

"We don't have any test," Meese said. "We don't care about the political or ideological allegiance of a prospective judge. We are concerned about how they view the Constitution and how they view their particular responsibilities as a jurist."

The comment drew laughter from many in the audience of about 3,000 people.

"We are looking for someone who is as qualified and as capable as the people who the president has previously appointed," Meese said.

At the White House, Fitzwater said, "I think it's clear the president wants someone who shares his view of the strict interpretation of the Constitution, but beyond that would not prescribe any geographic or philosophic or certainly ideological guideposts to use in measuring candidates."

At the same time, Fitzwater acknowledged that Powell's successor could play a major role in shaping the nation's law for a long time.

Gore announces plan to run for White House

CARTHAGE, Tenn. (AP) — Sen. Albert Gore Jr. began his long-shot campaign for the 1988 Democratic presidential nomination Monday, standing in the brilliant sunshine on courthouse steps to declare "we no longer have the luxury of waiting" to face the challenges of the future.

The 39-year-old politician from Tennessee said that a "young and eager and restless nation" is ready to elect him the youngest president in its history — like it was in 1960.

"Twenty-seven years ago, the voters of America, looking for the strength and hope of a new generation, replaced the oldest man ever to serve in the office of the presidency with the youngest ever to be elected to that office," he said. "I believe they are ready to do so again."

In 1960, the voters picked John F. Kennedy to follow Dwight D. Eisenhower. If elected, Gore would be 40 on Inauguration Day 1989, succeeding Ronald Reagan, the oldest man ever to occupy the Oval Office.

Gore, the first Vietnam veteran to make a serious bid for the White House, talked of war and making nuclear war obsolete.

"I served in Vietnam," Gore said. "I know the importance of protect-

ing our national security. I know there must be better ways to resolve our differences than through war."

Gore, who said at one time this year he would not run, is now the sixth candidate officially in the Democratic race.

He is also the first Southerner to jump in, but he was quick to declare: "I am not running as a Southern candidate but as a national candidate from the South and proud of it."

This small farming town of 5,000 outside Nashville — Gore's home and that of his father, longtime senator and House member Albert Gore Sr. — turned out to cheer their favorite son in 90-degree heat.

On stage with him in front of the Smith County Courthouse were fellow Tennessee Sen. James Sasser; Gov. Ned McWherter; his father and mother; his wife, Tipper, a crusader against X-rated rock lyrics and movies, and their four children.

The other declared Democratic candidates are Rep. Richard Gephardt of Missouri, former Gov. Bruce Babbitt of Arizona, Gov. Michael Dukakis of Massachusetts, Sen. Paul Simon of Illinois and Sen. Joseph Biden of Delaware.